



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,357	10/20/2005	Philippe Pardo	27376SUS0PCT	3786
22850	7590	06/13/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PARKER, FREDERICK JOHN				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
06/13/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

### Office Action Summary

**Application No.**

10/538,357

**Applicant(s)**

PARDO ET AL.

**Examiner**

Frederick J. Parker

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Non-elected claims remain withdrawn and the restriction made Final. These claims should be canceled.

### ***Drawings***

2. Figures 1-2 are entered because the priority document had previously been incorporated by reference.

### ***Specification***

3. The amendments in response to the Specification Objections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the objections.

### ***Claim Objections***

4. The amendments in response to the Claim Objections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the objections.

### ***Claim Rejections - 35 USC § 112***

The rejections of the previous Office Action are withdrawn; those below are necessitated by amendment.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 2 is vague and indefinite because the Markush Group is of improper format and hence intended scope is unclear.

Art Unit: 1792

The previous prior art rejections are withdrawn in view of an interpretation error by the

Examiner and replaced by the new rejections which follow:

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,2,4,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sprengling US 4496415.

Sprengling teaches a method for forming “composite” sheets comprising providing a continuous sheet (= mat) fibrous substrate 2 (cited as wovens, fabrics of cotton, polyester, glass (claim 6), etc col. 3, 34-37 and elsewhere) by “depositing” it onto sheet 1 (=substrate); applying an organic dry resin powder 7; applying heat and pressure (“compressed”) to cause the resin to flow into the fibrous materials to wet and adhere the fibers; inherently cooling the product to provide an end-product with utility and which is also cut as desired via means 32 to form products 33, inherently in sheet form given the process (col. 5, 3-53). Thus the reference meets all limitations of claim 1.

Thermoset resins including epoxy are cited (col. 3, 46; top col. 4; etc) per claims 2,4.

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 5,7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprengling.

Sprengling is cited for the same reasons previously discussed, which are incorporated herein. Per claims 5,7,9 ; the amount and types of reinforcing material, and coating layer thickness or amount applied would obviously have been dependant upon the end-use, with optimization determined by routine experimentation. Per claim 10, it is apparent the stacking of fibrous structures to form the laminate constitutes the "at least one intermediate structure" of claim 10 since one layer would be intermediate plural of other layers. The product structure comprises fibrous layers and organic films therein and in between per claim 11. The selection of suitable amounts of each ingredient in a formulation is deemed obvious optimization, In re Peterson 65 USPQ2d 1379.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sprengling by optimizing amount and types of reinforcing material, and coating layer thickness or amount applied, and other obvious parameters to form a desired end product.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprengling in view of Haggquist US 6998155.

Sprengling is cited for the same reasons previously discussed, which are incorporated herein. While thermoset resins are explicitly cited and exemplified, thermoplastic resins are not. It is the Examiner's position that the use of any resin to act as the desired function of the resins of Sprigling would have been an obvious modification within the purview of one skilled in the art.

Nonetheless Haggquist is cited because it teaches a similar concept of applying resin particles into a continuous woven material which is subsequently fixed. As apparent from the laundry list on col. 7- bridging 8, either thermoplastic or thermoset particles can be successfully applied and establishing an equivalence that either may be employed for application to wovens, sheets, yarns, etc (col. 3, 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Sprengling by incorporating thermoset or thermoplastic particles given the equivalence of use disclosed by Haggquist because of the expectation of achieving successful and predictable end results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frederick J. Parker/  
Primary Examiner, Art Unit 1792

Frederick J. Parker  
Primary Examiner  
Art Unit 1792

fjp